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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,427	01/21/2004	James I. Meyer	336-38	1232
23117	7590 10/05/2005		EXAMINER	
	VANDERHYE, PC GLEBE ROAD, 11TH	REIFSNYDER, DAVID A		
	N, VA 22203	FLOOR	ART UNIT	PAPER NUMBER
			1723	<u>-</u>

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	$\sim 1$			//~			
	Application No	).	Applicant(s)				
Office Asticus Communication	10/760,427		MEYER, JAMES I.				
Office Action Summary	Examiner		Art Unit				
T. MAIL INC DATE AND CONTROL OF THE	David A. Reifsn		1723				
The MAILING DATE of this communication app Period for Reply	pears on the cov	er sneet with the c	orrespondence add	ress			
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period in Failure to reply within the set or extended period for reply will, by statute any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS C (36(a). In no event, how will apply and will expire, cause the application	COMMUNICATION wever, may a reply be tim e SIX (6) MONTHS from to become ABANDONED	I. lety filed the mailing date of this cor O (35 U.S.C. § 133).				
Status							
1) Responsive to communication(s) filed on 26 A	pril 2004.						
	,—						
•	☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
closed in accordance with the practice under a	=x parte Quayle,	1935 C.D. 11, 45	3 Q.G. 213.				
Disposition of Claims							
4) $\boxtimes$ Claim(s) $1-15$ is/are pending in the application							
4a) Of the above claim(s) is/are withdra	wn from conside	eration.					
5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/o	or election requir	ement.					
Application Papers							
9) The specification is objected to by the Examine	ar a						
10)⊠ The drawing(s) filed on 21 January 2004 is/are		I or b)⊠ objected	to by the Examine	r. ·			
Applicant may not request that any objection to the	•		·				
Replacement drawing sheet(s) including the correct	tion is required if t	he drawing(s) is obj	ected to. See 37 CFI	R 1.121(d).			
11)☐ The oath or declaration is objected to by the Ex	xaminer. Note th	e attached Office	Action or form PT0	D-152.			
Priority under 35 U.S.C. § 119							
12) ☐ Acknowledgment is made of a claim for foreign a) ☐ All b) ☐ Some * c) ☐ None of:	n priority under 3	5 U.S.C. § 119(a)	-(d) or (f).				
1.☐ Certified copies of the priority document	ts have been red	ceived.					
2. Certified copies of the priority document	ts have been red	eived in Application	on No				
3. Copies of the certified copies of the prior	•		ed in this National S	Stage			
application from the International Burea	•		a.				
* See the attached detailed Office action for a list	or the certified of	copies not receive	d.				
Attachment(s)							
1) Notice of References Cited (PTO-892)	4)	Interview Summary					
<ul> <li>2) Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)</li> <li>Paper No(s)/Mail Date 4/26/04.</li> </ul>	5) <u>[</u>	-	ate atent Application (PTO-	152)			
S Potent and Todamada Office	· –						

#### **DETAILED ACTION**

### **Drawings**

Drawing Figure 1 filed January 21, 2004 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Furthermore, drawing Figures 1-3 filed on January 21, 2004 are objected to for being clearly informal and Formal Drawings are Required.

The requirement for a Corrected Drawing Figure 1 and Formal Drawing Figures 1-3 will not be held in abeyance.

### Specification

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code on the third line of paragraph [0004] on page 1 of the specification. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

## Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-12 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Regarding claim 9; the recitation of "and a settling chamber defined by the bulb housing beneath the vortex destroyer" does not make sense. Should that recitation be something like --- and a settling chamber is defined by the bulb housing, the setting chamber being beneath the vortex destroyer----?

Regarding claim 16; the recitation of "A vortex destroyer according to claim 12, comprising a plurality of fins" does not make sense because claim 12 claims "A particle separator...". Should claim 16 be written something like ---A particle separator according to claim 12, wherein the vortex destroyer comprises a plurality of substantially V-shaped fins---.

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hakola.

Regarding claims 1-15; Hakola discloses hydrocyclone and method of using that hydrocyclone to separate particles from a feed slurry, the hydrocyclone comprising; a tangential inlet (2); a vortex chamber in fluid communication with the tangential inlet, the vortex chamber comprising a conical section terminating at an apex (1a, 66); a cylindrical bulb housing (7) removable coupled with the vortex chamber, the cylindrical

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bulb housing (7) comprising a vortex destroyer having a plurality of V-shaped fins (43) disposed adjacent the conical section apex (1a, 66), the cylindrical bulb housing (7) defining a settling chamber beneath the vortex destroyer.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin.

Regarding claims 1-15; Martin discloses hydrocyclone and method of using that hydrocyclone to separate particles from a feed slurry, the hydrocyclone comprising; a tangential inlet (11); a vortex chamber in fluid communication with the tangential inlet, the vortex chamber comprising a conical section terminating at an apex (34); a cylindrical bulb housing (12) removable coupled with the vortex chamber, the cylindrical bulb housing (12) comprising a vortex destroyer (16) having a plurality of V-shaped fins (17,18) disposed adjacent the conical section apex (34), the cylindrical bulb housing (12) defining a settling chamber beneath the vortex destroyer (16).

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Reifsnyder whose telephone number is (571) 272-1145. The examiner can normally be reached on M-F 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda M. Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David A Reifsnyder

Primary Examiner
Art Unit 1723

DAR